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Before the  
**Federal Communications Commission**

Washington, D.C. 20554

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In the Matter of

Numbering Resource Optimization

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CC Docket No. 99-200

To: The Commission

**COMMENTS OF  
PRIMECO PERSONAL COMMUNICATIONS, L.P.**

**PRIMECO PERSONAL COMMUNICATIONS, L.P.**

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## SUMMARY

PrimeCo and other CMRS carriers are efficient users of numbering resources. Inefficient number usage by others, however, imposes costs and inconvenience on consumers and undermines telecommunications competition. Thus, while PrimeCo has concerns for specific proposals, it supports the Commission's objective in this proceeding. The Commission should generally exercise its plenary authority and authorize the NANPA to implement and enforce the INC guidelines. Additional authority should not be delegated to state commissions.

The Commission to date has affirmed its authority under Section 251 of the Act and rejected "state specific" solutions to numbering administration. The original policies underlying the establishment of NANPA as a centralized, neutral third-party entity remain valid today, and there is no basis in the record to delegate additional authority to the states.

The Commission should further promote rate center consolidation and impose nationwide ten-digit dialing prior to implementing local number portability ("LNP") based conservation methods. Rate center consolidation should proceed prior to any implementation of number pooling and not used as a substitute for prompt area code relief. Nationwide 10-digit dialing will facilitate future competitively neutral NPA relief efforts and its initial disruptions can be readily overcome through consumer education efforts.

Thousand-block pooling should be implemented at the federal level and should target problem NPAs and LNP-capable carriers. Pooling should be authorized pursuant to nationwide uniform architecture and rollout criteria administered by the NANPA, and uniform technical standards; state-by-state determinations of when pooling is required would undermine the value of this optimization measure to the NANP. In no event should pooling be imposed on CMRS carriers prior to the LNP implementation date of November 24, 2002. Unassigned number porting should not be mandated.

Selling the numbering resource would stifle competition and arbitrarily preclude carriers with legitimate subscriber needs from obtaining codes. This option is not competitively neutral and would encourage a run on numbers during a transition period. Carriers already have NANPA payment obligations, and this revenue producing mechanism is unnecessary.

Importantly, states must more frequently utilize overlays in their area code relief efforts and implement such relief expeditiously. While states should not be delegated numbering administration authority, such efforts can play a meaningful role in number resource optimization. The Commission should not reconsider its position on service- or technology-specific overlays, as this will result in *inefficient* number use and is anticompetitive.

PrimeCo generally supports the INC status definitions, with some refinements. For verification purposes, PrimeCo supports the months-to-exhaust ("MTE") approach. Recordkeeping and reporting requirements should target high demand MSAs and jeopardy NPAs, and data should be reported semiannually. For COCUS replacement, the Commission should adopt the NANC-recommended hybrid approach. The NANPA should have authority to conduct for-cause and triennial audits; further, any fourth-party auditor must have requisite expertise in numbering matters. Strict enforcement measures at the Commission and NANPA

level are appropriate as well. Finally, the INC reclamation standards are appropriate and the Commission's definition of "in service" should be rejected; no reclamation authority should be delegated to state commissions.

Washington, D.C. 20554

To: The Commission

PrimeCo Personal Communications, L.P. (“PrimeCo”)<sup>1</sup> hereby submits comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-referenced proceeding examining various “measures intended to increase the efficiency with which telecommunications carriers use telephone numbering resources.”<sup>2</sup> By this filing, PrimeCo also responds to the Common Carrier Bureau’s Public Notice seeking comment on the North American Numbering Council (“NANC”) recommendation concerning replacement of the current COCUS.<sup>3</sup> As discussed herein, the Commission should adopt resource optimization measures targeted at inefficient users of numbers by authorizing the North American Numbering

<sup>3</sup> *Public Notice, Common Carrier Bureau Seeks Comment on North American Numbering Council Recommendation Concerning Replacement of Central Office Code Utilization Survey*, CC Docket No. 99-200, DA 99-1315 (rel. July 1, 1999); *see infra* Section V.D.

Plan Administrator ("NANPA") to implement and enforce nationwide, uniform techniques that do not have disproportionate impact on efficient users such as CMRS providers.

## INTRODUCTION/BACKGROUND

Like other CMRS carriers, PrimeCo is an efficient, responsible user of numbering resources. As of December 30, 1998, PrimeCo used a total of 18 rate centers in 22 NPAs and, in all but the most recently activated NXXs, had assigned an average of 86 percent of its numbers.<sup>4</sup> Notwithstanding CMRS carriers' efficient use of numbers, it is apparent that many of the factors affecting numbering use today -- including large numbers of rate centers, seven-digit dialing, and loose enforcement of industry guidelines -- *must* change in today's competitive environment. Inefficient number usage not only imposes costs and inconvenience on consumers but, as the Commission acknowledges, threatens carriers' ability to enter or compete in telecommunications markets.<sup>5</sup> Thus, while PrimeCo has concern for many of the specific proposals in the *NPRM*, the Commission's objective to promote efficient number usage is entirely appropriate and essential.

PrimeCo has actively participated in Industry Numbering Committee ("INC") efforts to address these issues, which have yielded numerous guidelines and standards for efficient number use. Authorizing NANPA to implement and enforce these guidelines will significantly address the inefficiencies in the current numbering administration regime. The Commission should thus exercise its Section 251 plenary jurisdiction over the NANP and, as discussed herein, authorize the NANPA to enforce these guidelines. Moreover, for reasons

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<sup>4</sup> See PrimeCo *Ex Parte* Presentation, January 6, 1999.

<sup>5</sup> See *NPRM* ¶ 6 (an objective of *NPRM* is to "ensure sufficient access to numbering resources for all service providers that need them to enter into or to compete in telecommunications markets").

largely discussed in PrimeCo's comments filed in opposition to the Florida Public Service Commission ("FPSC") petition for numbering administration authority, the Commission should affirm its exclusive authority and not further delegate authority to state commissions.<sup>6</sup>

## DISCUSSION

### I. NANPA SHOULD BE AUTHORIZED TO IMPLEMENT AND ENFORCE INC GUIDELINES AND STATE-BY-STATE NUMBERING ADMINISTRATION PETITIONS SHOULD BE REJECTED

In Section 251(e)(1) of the Act, Congress expressly granted the Commission plenary numbering administration authority for the United States.<sup>7</sup> In implementing this statutory provision, the Commission acknowledged Congress' "recogni[tion] that ensuring fair and impartial access to numbering resources is a critical component of encouraging a robustly competitive telecommunications market in the United States."<sup>8</sup> The Commission thus affirmed its decision to create a *centralized*, third party NANPA.<sup>9</sup> The Commission, to date, has

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<sup>6</sup> See PrimeCo Comments in CC Docket No. 96-98, filed May 14, 1999 ("PrimeCo FPSC Comments").

<sup>7</sup> Section 251(e) provides that:

*The Commission shall create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States. Nothing in this paragraph shall preclude the Commission from delegating to State commissions or other entities all or any portion of such jurisdiction.*

47 U.S.C. § 251(e)(1) (emphasis added).

<sup>8</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order*, CC Docket No. 96-98, 11 FCC Rcd. 19392, 19508, ¶ 261 (1996) ("*Local Competition Order*").

<sup>9</sup> *Id.* at 19510 ¶ 264.

steadfastly rejected “state-specific” solutions to numbering administration. Even prior to the 1996 Act, the Commission determined that “[h]aving state regulators, or designated third parties in each state, administer CO codes could create fifty-one different administrators in the United States.”<sup>10</sup> Since the 1996 Act, the Commission has reiterated and elaborated on the merits of centralized CO code administration, which include: the efficient delivery of telecommunications services in the United States; consistent application of CO code assignment guidelines, including in the context of dispute resolution; diminishing the administrative burden facing carriers seeking codes; and allowing the Commission and regulators from other NANP member countries to keep abreast of CO code assignments and predict potential problem areas.<sup>11</sup>

Recently, however, Chairman Kennard stated that purportedly to “help consumers and businesses who are sick and tired of changing their phone numbers” the Commission intends to “let the states solve this problem.”<sup>12</sup> There is no basis, however, either in the record responding to various state commission petitions, or pursuant to the various measures under consideration in the instant proceeding, to delegate *any* additional authority to state commissions. The Commission must remain mindful of Congress’ intent in enacting Section 251(e) and of the critical policy objectives facilitated by a uniform, nationwide approach to number resource optimization.

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<sup>10</sup> *Administration of the North American Numbering Plan, Report and Order*, 11 FCC Rcd. 2588, 2621 ¶ 78 (1995).

<sup>11</sup> *See Local Competition Order*, 11 FCC Rcd. at 19533 ¶¶ 320-322.

<sup>12</sup> *See* Remarks of William E. Kennard, Chairman, Federal Communications Commission, Before the National Association of Regulatory Utilities Commissioners (NARUC), July 19, 1999, available at <[www.fcc.gov/Speeches/Kennard/spwek925.html](http://www.fcc.gov/Speeches/Kennard/spwek925.html)>.



## **II. THE COMMISSION SHOULD PROMOTE RATE CENTER CONSOLIDATION AND IMPOSE NATIONWIDE TEN-DIGIT DIALING PRIOR TO IMPLEMENTING LNP-BASED CONSERVATION METHODS**

As discussed herein and as carriers have already acknowledged before the INC and to the Commission, the centralization of administration functions with the NANPA and the new competitive environment facilitated by the 1996 Act will necessitate significant changes for carriers' use of NXX codes. Meaningful number resource optimization cannot, however, be implemented merely by imposing usage requirements on carriers or imposing LNP-based methods such as thousand-block pooling. Rather, it will require a concerted effort involving state commissions and consumers as well. In this regard, PrimeCo first addresses two basic, yet critically important measures -- rate center consolidation and 10-digit dialing -- that, while no doubt controversial, must be implemented if the outcome of this *NPRM* is to have meaningful, long-term effect to the benefit of consumers and competition.

### **A. Rate Center Consolidation Should Be Implemented Expeditiously and Independently of Number Pooling and Ongoing Area Code Relief Efforts**

PrimeCo strongly agrees that rate center consolidation is vitally important to optimize the utilization of numbering resources and should be utilized to the greatest extent possible. While the Commission has deemed it a "long-term measure," it has been implemented in a number of states already and PrimeCo submits that, even for short-term reasons, this measure should be implemented expeditiously. As the Commission states and as PrimeCo noted in response to the FPSC petition, states already have authority to implement rate center consolidation.<sup>13</sup> By reducing the number of rate centers in a metropolitan region, demand for NXX codes is reduced because carriers who need a presence in every rate center can do so with

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<sup>13</sup> *NPRM* ¶ 116-117; PrimeCo FPSC Comments at 18-19. Thus, assertions that states' "hands are tied" with respect to address number resource optimization are mistaken.

fewer NXX codes and, by expanding the area of local calling, rate center consolidation for wireline carriers would emulate the CMRS model.

PrimeCo does not object to requiring code holders to return vacant, unused codes no longer needed due to rate center consolidation, *provided that* such code reclamation is undertaken in accordance with CO Code guidelines enforced *by the NANPA*, not state commissions.<sup>14</sup> Rate center consolidation should be implemented *prior to* implementation of any form of number pooling and undertaken early in the life of an NPA. Importantly, in no event should rate center consolidation be used as a substitute for NPA relief.<sup>15</sup>

**B. The Commission Should Implement Mandatory Nationwide 10-Digit Dialing**

PrimeCo believes that the Commission should “take the plunge” and mandate nationwide 10-digit dialing.<sup>16</sup> Such a policy would facilitate future NPA relief efforts and make them less disruptive to consumers, while ensuring competitive neutrality across all types of carriers. Overlays in particular are far easier and less costly to implement in such an environment and do not require customers to change phone numbers or reprogram handsets or other devices. While initially disruptive to consumers, such inconvenience can be overcome with adequate consumer education, as has *already* been done by state commissions implementing overlays. Moreover, it is an essential conservation measure, the long term benefits of which far outweigh the temporary disruption to consumers. Finally, PrimeCo supports the “D” digit

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<sup>14</sup> See *NPRM* ¶¶ 100, 117.

<sup>15</sup> See *id.* ¶ 120.

<sup>16</sup> See *id.* ¶¶ 122-126.

release as a means of increasing the quantity of available NXXs in an NPA in the context of nationwide 10-digit dialing.<sup>17</sup>

### **III. THOUSAND-BLOCK POOLING SHOULD BE IMPLEMENTED SOLELY AT THE NATIONAL LEVEL AND SHOULD TARGET PROBLEM NPAS AND LNP-CAPABLE CARRIERS**

As an LNP-based optimization measure, PrimeCo is concerned about the impact of number pooling implementation on the availability of NXX codes for CMRS carriers. Indeed, there is little benefit to resource optimization by requiring CMRS carriers to participate in thousand block pooling and, moreover, CMRS carriers will be unable to participate in number pooling prior to LNP implementation. As discussed below, pooling should therefore be implemented such that efficient users are not adversely affected.

***Pooling Roll-Out (§§ 143-154).*** Thousand block pooling should initially be limited to deployment in the 100 largest MSAs, in accordance with the existing LNP deployment schedule, and after the respective state has implemented rate center consolidation.<sup>18</sup> Areas experiencing rapid NPA depletion are within the top 100 MSAs and pooling outside of these areas should not be imposed. Areas outside those MSAs are not experiencing significant NXX shortages and, because of the LNP deployment schedule, are likely to have few rate centers that are candidates for pooling. Importantly, the Commission should authorize pooling pursuant to nationwide uniform architecture and rollout criteria administered by the NANPA; state-by-state

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<sup>17</sup> See *id.* §§ 127-129.

<sup>18</sup> See *id.* § 144.

determinations of when pooling is required would undermine the value of this optimization measure to the NANP.<sup>19</sup>

**Implementation Issues (§§ 143-154).** To the extent feasible and to ensure maximum effect, pooling should be implemented early on in the life of an NPA. The NANC Report recommends that pooling be implemented 10-19 months from the date of an order in this proceeding, although the high end (18-19 months) appears more realistic and, in any event, CMRS carriers will be unable to participate in pooling prior to the November 24, 2002 LNP implementation date.<sup>20</sup> Finally, in no event should unassigned number porting (“UNP”) be mandated. This method penalizes carriers who accurately forecast their numbering needs while rewarding those who do not.

**Technical Standards and Administration.** PrimeCo supports use of the T1S1.6 standard for implementation purposes.<sup>21</sup> Uniform, nationwide standards imposed at the federal level are critical for the competitive neutrality of pooling. The Commission should further adopt the INC guidelines and select NANPA as the pooling administrator. Pooling is a numbering administration function and, as such, should reside solely within the NANPA. Using another entity or multiple entities on a state-by-state basis will hinder the timely and competitively

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<sup>19</sup> See *id.* §§ 146-147.

<sup>20</sup> In this regard also, there is no basis to expedite the CMRS LNP implementation deadline. See *id.* § 168. CMRS participation will not meaningfully contribute to the effectiveness of number pooling and, in any event, the Commission has already determined that the deadline extension to November 24, 2002 was required pursuant to Section 10 of the Act. See *Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations*, WT Docket no. 98-229, *Telephone Number Portability*, CC Docket No. 95-116, *Memorandum Opinion and Order*, FCC 99-19, § 49 (rel. Feb. 9, 1999).

<sup>21</sup> *NPRM* §§ 177-78.

neutral allocation of NXX codes.<sup>22</sup> PrimeCo also supports a 10 percent contamination level for block donation, uniformly imposed on a nationwide and carrier-wide basis and as recommended by the NANC and INC.<sup>23</sup>

PrimeCo opposes, however, mandatory sequential numbering assignments.<sup>24</sup> This will have anti-competitive consequences by limiting carriers' ability to assign vanity numbers. This should be a voluntary measure only, and in no instance should states have authority to order it.

#### **IV. SELLING THE NUMBERING RESOURCE WOULD STIFLE COMPETITION AND PREVENT CUSTOMERS FROM OBTAINING NUMBERS FROM CARRIERS**

Requiring carriers to pay for numbering resources would undermine the Commission's and Congress' objectives in implementing Section 251(e) by violating the principles of competitive neutrality underlying the Commission's establishment of the NANPA. This proposal would stifle competition by disproportionately affecting smaller, newer carriers and encouraging number hoarding and, in a worst-case scenario, possibly creating an aftermarket for telephone numbers. Moreover, carriers would be unable to assign numbers to their customers. The Commission's proposed two-tier system, involving one flat rate and a variable rate, is too open ended to provide meaningful comment. Even a transition to a pricing mechanism is problematic, as any transition would encourage a "run" on numbers, akin to the

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<sup>22</sup> *Id.* ¶¶ 182-86.

<sup>23</sup> *Id.* ¶¶ 187-89.

<sup>24</sup> *Id.* ¶¶ 190-92.

current situation involved in the period between NPA relief meetings and the jeopardy declaration that today typically follows thereafter.

Carriers already have a NANPA payment obligation, which the Commission expressly intended be competitively neutral and fund NANPA's activities on an ongoing basis. There is no need for the Commission to derive an additional mechanism for obtaining additional revenue, particularly one with such serious implications for competition.

**V. STATES MUST MORE FREQUENTLY UTILIZE OVERLAYS IN THEIR AREA CODE RELIEF EFFORTS AND IMPLEMENT SUCH RELIEF EXPEDITIOUSLY**

To date, the Commission has affirmed state commissions' authority and obligation to exercise their area code relief authority. The Commission has also affirmed the limits on that authority -- *i.e.*, states may not engage in numbering administration under the guise of area code relief.<sup>25</sup> It is particularly critical for new market entrants and rapidly growing service providers, moreover, that number resource optimization proceed independent of state commissions' area code relief efforts. Nevertheless, state commissions can play a meaningful role in number resource optimization by overcoming their traditional reluctance to implementing area code overlays.

Experience with geographic splits and overlays supports the conclusion that overlays, including reverse overlays, are preferable for numbering optimization purposes. While overlays require 10-digit dialing on all calls within and between NPAs, Commission-imposed mandatory 10-digit dialing and accompanying consumer education efforts will largely address

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<sup>25</sup> See *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, Memorandum Opinion and Order and Order on Reconsideration*, 13 FCC Rcd. 19009, 19025-27 (1997).

this purported disadvantage of overlays. Overlays allow more NXX codes to be utilized in each NPA by eliminating the need for protected inter-NPA 7-digit dialing or other protected codes.<sup>26</sup> Geographic splits, however, could indeed reduce number porting opportunities and, unlike overlays, force customers to change numbers far more often.

The Commission should not reconsider its position on service-or technology-specific overlays, which are anti-competitive and, as industry's experience in New York will attest, results in *inefficient* use by stranding hundreds of NXX codes to only one service. Moreover, the objectives underlying this policy are just as valid today and, in any event, an all-services overlay adds as many new numbers as a technology- or service-specific overlay.<sup>27</sup> The adverse impact of any wireless-only overlay would be anti-competitive regardless of whether numbers are "taken back" from existing customers.<sup>28</sup> Finally, while the Commission suggests that a wireless-only overlay would help inform wireline customers of a calling party pays ("CPP") call, having a wireless phone number with the same NPA as a wireline phone diminishes the distinction between the two services. PrimeCo thus submits that this would, in fact, undermine the Commission's CPP objective of promoting wireless-wireline competition.<sup>29</sup>

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<sup>26</sup> See *NPRM* ¶¶ 247-252.

<sup>27</sup> The Commission determined that service- and technology-specific overlays *hinder* entry into the telecommunications market, give particular industry segments unfair advantage, and are not technology- or competitively neutral. See *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and memorandum Opinion and Order*, 11 FCC Rcd. 11392, ¶¶ 285, 305 (1996).

<sup>28</sup> See *NPRM* ¶ 257. Moreover, a service- or technology-specific overlay, whether based on wireless service or LNP capability, would be anti-competitive regardless of whether it was implemented on a pre-existing, expanded, or regional NPA basis. See *id.* ¶ 259.

<sup>29</sup> See *id.* ¶ 257.

## VI. SPECIFIC PROPOSALS IN THE *NPRM*

### A. Definitions

PrimeCo supports the use of uniform number status definitions incorporated into the Central Office Code (NXX) Assignment Guidelines (“CO Code Guidelines”) and the Thousand Block (NXX-X) Pooling Administrative Guidelines but, to ensure that these definitions remain flexible, should not be formally codified as part of the Commission’s rules.<sup>30</sup> PrimeCo’s comments on particular definitions discussed in the *NPRM* follow below.

***Aging Numbers (¶ 42).*** The Commission should not impose limits on the amount of time, such as 90-120 days, that a number may remain in “aging” status. PrimeCo is actively participating in the INC workshop where this matter is being discussed, and the Commission should allow this process to run its course. Whether different intervals may be required for wireline, residential, business and high-volume numbers are currently a matter of discussion, and the proposed 90-120 day period may be insufficient for business and high volume numbers.

***Assigned Number (¶ 43).*** PrimeCo is not opposed to limiting the time during which a customer service order may be pending. The 3-5 day period the Commission proposes, however, may be insufficient for some carriers or industry segments.

***Reserved Number (¶¶ 46-49).*** Reserved numbers should be unavailable for assignment (assuming an appropriate time period is adopted), and PrimeCo agrees with the Commission that an appropriately narrow definition should be adopted to prevent carriers from hoarding numbers. However, defining the term to require a legally enforceable written agreement to set aside a number may be unnecessary burdensome. PrimeCo also agrees that a time limit should be imposed on the amount of time an NXX code may be held in reserved

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<sup>30</sup> See *id.* ¶ 40.



status. The Commission's proposed 45 day period, however, is insufficient. Moreover, carriers should not be required to pay a fee to reserve numbers; indeed, this may have the anti-competitive effect of forcing smaller carriers to turn away business due to inability to reserve a number or NXX.

***Working Telephone Numbers (§ 53).*** PrimeCo believes that this definition has become unnecessary, as the INC has recently defined "assigned number" and "TNs unavailable for assignment." Thus, the "working telephone number" definition should be removed from the CO Code guidelines.

#### **B. Verification of Needs for Numbers**

PrimeCo strongly supports the months-to-exhaust ("MTE") method of verifying a carrier's need for additional NXX Codes. As discussed in this section, this method will eliminate the need to address many of the administrative and anti-competitive issues involved with alternative methods such as fill rates. While PrimeCo addresses some means of possibly mitigating the adverse impact of fill rates on wireless carriers, PrimeCo believes that the small gains in resource optimization (if any) are outweighed by the adverse effects on competition.

***Initial Codes (§§ 58-59).*** The Commission seeks comment on whether applicants should be required to make a particular showing regarding equipment state of readiness, or business plan prior to obtaining codes. Under the CO Code Guidelines, however, an applicant is already required to place an NXX into service within 6 months of the effective date, and the applicant cannot request an effective date of more than 6 months from the application date. PrimeCo submits that these "in-service" requirements are sufficient. Furthermore, additional documentation will unnecessarily complicate the application process for both carriers and the NANPA. Rather, carriers should instead be required to submit evidence of their license or

certificate with their applications for initial codes, which the NANPA would keep on file. Requiring NANPA to verify on its own the status of such certifications is unnecessary, particularly if carriers are sanctioned (as would be appropriate) for submitting false or misleading materials with the NANPA.

***Growth Codes/Verification of Need (§§ 60-62).*** As of July 1, 1999, all applications for growth codes must be accompanied with a months-to-exhaust (“MTE”) worksheet, demonstrating that existing resources will exhaust within the next 12 months (6 months in jeopardy NPAs). If the MTE does not demonstrate such need, NANPA should not allocate additional resources to the applicant. MTE worksheets are sufficient methods for demonstrating such need, but should NANPA need additional information, it should be authorized to obtain additional clarification as necessary. A specific utilization threshold or “fill rate” is unnecessary and may prove counterproductive. If, for example, the Commission adopts a 70 percent fill rate, carriers for high growth areas will need some assurance of access to numbering resources if its remaining 30 percent will not last before a new NXX can be put into service. Thus, if adopted, fill rates should be imposed only in jeopardy NPAs.

***Calculating Utilization Levels (§§ 64-67).*** PrimeCo shares the Commission’s concern that utilization thresholds may encourage carriers to assign numbers to reserved, reseller or dealer number pool status in an effort to hoard numbers. The MTE method is sufficient to address these concerns, and such numbers should not be removed from the “unavailable for assignment” category. As to “mature” NXX codes, applicants should have the option to include such codes in any utilization calculations, subject to a 120 day period for exclusion. Even if mature NXX codes are excluded from the calculation, however, PrimeCo is concerned that a

utilization threshold, rather than the MTE method, may penalize efficient CMRS users and prevent them from obtaining resources in anticipation of high seasonal sales.

If imposed, utilization rates -- including graduated thresholds -- should be calculated on a rate center basis, largely for the reasons enumerated in the *NPRM*.<sup>31</sup> The burden of attempting to identify and maintain a list of “mixed” NPAs is avoided entirely by establishing utilization rates at the rate center level. Indeed, the MTE method avoids this problem as well and, for reasons addressed above, should be utilized instead of utilization rates.

### **C. Reporting/Recordkeeping Requirements**

***Mandatory Data Requirements* (§ 73).** PrimeCo supports the mandatory submission of utilization and forecast data to NANPA only. NANPA should only provide this data to states on an aggregated basis, and only upon request. States have no need to obtain proprietary carrier-specific data, given the NANPA’s role as the sole administrator.<sup>32</sup>

***Content of Data Submissions* (§§ 74-76).** Utilization data should only be reported on an “available” or “unavailable” for assignment basis. If more granular information were provided, the submissions would unnecessarily burden the NANPA and delay the release of its exhaust forecasts. Such information should be provided at the rate center level and carriers not subject to LNP requirements (and thus not subject to pooling) should not be required to provide data at the thousand block level. (In this regard, PrimeCo’s and other carriers’ billing systems do not report on the thousand block level, but only at the NXX level and significant

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<sup>31</sup> See *id.* §§ 66, 68.

<sup>32</sup> See PrimeCo Florida Comments at 17-18. In this regard, states should have no access to confidential carrier-specific data. See *NPRM* § 78.

upgrades would be required.) Finally, for similar reasons, thousand block pooling data collection should be limited to the largest 100 MSAs and jeopardy NPAs.<sup>33</sup>

***Frequency and Costs of Reporting (§§ 77, 79).*** Utilization and forecast data should be reported semiannually pursuant to the CO Code Guidelines, rather than quarterly as the Commission proposes, in order to mitigate the burden on both NANPA and carriers.

Authorizing NANPA to request additional data for jeopardy NPAs, however, is appropriate.

#### **D. COCUS Replacement -- Public Notice**

PrimeCo here addresses the Common Carrier Bureau's Public Notice regarding COCUS replacement. PrimeCo generally supports the NANC-recommended hybrid method, except for its provision allowing for annual reporting for NPAs expected to exhaust outside the 5-year window. For example, in Florida this year, three NPAs, 954, 561, and 305, went into jeopardy prior to any relief planning due to out-of-line forecasts. PrimeCo believes that the ensuing troubles for all parties involved would have been mitigated significantly with more frequent reporting and, thus, more accurate data. For these reasons, PrimeCo can generally support the hybrid method in conjunction with nationwide semiannual reporting discussed above.

#### **E. Audits and Enforcement**

***Audits (§§ 85-88).*** PrimeCo supports "for cause" audits, as well as triennial audits. Random audits as the Commission proposes are problematic, however, in that they could unduly penalize successful new carriers with high demands for numbers. Regularly scheduled audits are far more equitable. PrimeCo supports authorizing NANPA to conduct audits, although it understands the Commission's concern that NANPA may not be the best party to conduct audits. Should the Commission opt for another party, however, such responsibilities should *not*

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<sup>33</sup> See NPRM ¶ 80.

fall with either the Commission or state commissions, neither of which have the resources to conduct audits of the breadth needed. Furthermore, any such party must have the requisite expertise in numbering matters to conduct meaningful audits.

***Enforcement (§§ 91-94).*** It is critical that the NANPA be delegated authority to deny codes to and reclaim them from unqualified applicants. PrimeCo supports conferring such authority with the NANPA, as well as the Commission's tentative conclusion that fines, forfeitures and other sanctions are appropriate -- provided that it is the Commission, not the states, that have such authority. Any delegation of such authority to states is inappropriate, as consistent application of the Commission's rules and CO Code Guidelines is critical to effective administration of the NANP.

#### **F. Reclamation**

PrimeCo generally supports enforcement of the INC standards for the reclamation of unused or underutilized codes and thus opposes the Commission's proposed definition of "in service." The INC guidelines distinguish between active and in service codes, and the INC's definition of the latter addresses the Commission's concerns by requiring actual assignment and utilization of numbers within such a code. In addition, modifications to time intervals for reserving or activating NXX codes should be incorporated into the INC guidelines, but in order to ensure flexibility on a going forward basis, should not be codified in the Commission's rules.<sup>34</sup> Finally, for the reasons discussed above, the Commission should *not* delegate reclamation

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<sup>34</sup> See *id.* §§ 98-100.

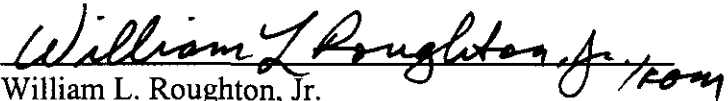
authority to state commissions; authorizing NANPA to enforce the INC guidelines obviates any need for any such delegation.<sup>35</sup>

## CONCLUSION

For the foregoing reasons, the Commission should adopt resource optimization measures targeted at inefficient users of numbers initially by encouraging state rate center consolidation efforts and adopting mandatory 10-digit dialing. In this environment, the NANPA should be authorized to implement and enforce nationwide, uniform optimization techniques such as carefully targeted thousand-block number pooling that do not have disproportionate impact on efficient CMRS users. Finally, the Commission should confirm states' obligations to expeditiously implement area code relief measures and encourage the use of overlays, rather than delegate any additional numbering administration authority to state commissions.

Respectfully submitted,

**PRIMECO PERSONAL COMMUNICATIONS, L.P.**

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July 30, 1999

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<sup>35</sup> See *id.* ¶ 100.

**CERTIFICATE OF SERVICE**

I, Shelia L. Smith, hereby certify that on this 30th day of July 1999, copies of the foregoing Comments of PrimeCo Personal Communications, L.P. were served on the following by hand to:

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